

AGENDA ITEM SUMMARY

AGENDA ITEM #

**MONROE COUNTY
LAND DEVELOPMENT REGULATIONS
AMENDMENT**

**SECTION 9.5-269
“MAXIMUM NONRESIDENTIAL
LAND USE INTENSITIES
AND DISTRICT OPEN SPACE”**

**BOARD OF COUNTY COMMISSIONERS
KEY LARGO
MAY 18, 2005**

**MONROE COUNTY
LAND DEVELOPMENT REGULATIONS
AMENDMENT**

**SECTION 9.5-269
“MAXIMUM NONRESIDENTIAL
LAND USE INTENSITIES
AND DISTRICT OPEN SPACE”**

**A REQUEST BY MONROE COUNTY PLANNING AND ENVIRONMENTAL
RESOURCES DEPARTMENT TO AMEND THE NONRESIDENTIAL
DISTRICT OPEN SPACE REQUIREMENTS OF SECTION 9.5-269**

RECOMMENDATIONS

Staff: **Approval**
DRC: **Approval**
PC: **Approval**

April 5, 2005
April 5, 2005
April 27, 2005

Staff Report
Resolution #D -05
Resolution #P -05

DRAFT BOCC ORDINANCE

ORDINANCE NO. -2005

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS, SECTION 9.5-269 CONCERNING NONRESIDENTIAL OPEN SPACE REQUIREMENTS; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND DIRECTING THE PLANNING DIRECTOR TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Monroe County Board of County Commissioners recognizes the need to remove existing inconsistencies between the Monroe County Year 2010 Comprehensive Plan and the Land Development Regulations; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan adopted in 1996 designates land use densities and district open spaces in Policy 101.4.21; and;

WHEREAS, the Land Development Regulations were codified prior to the adoption of the 2010 Comprehensive Plan and contain certain inconsistencies with regard to nonresidential district open space designations; and

WHEREAS, the amendment to Section 9.5-269 would remove the existing inconsistencies between the Land Development Regulations and the Year 2010 Comprehensive Plan; and

WHEREAS, Monroe County is designated as an “Area of Critical State Concern” and as such is governed by Chapters 9J-5 and 9J-12 of the Florida Administrative Code (F.A.C.) and Chapter 163 of the Florida Statutes; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Board of County Commissioners finds that the proposed Text amendment furthers and is consistent with the Year 2010 Comprehensive Plan; and

Section 2. Section 9.5-269 of the Monroe County Land Development Regulations is hereby amended to read as follows (additions and deletions shown in underline and strikethrough format):

~~Strike through text~~ is deleted

Underlined text is new

Section 9.5-269. Maximum nonresidential land use intensities and district open space ~~(4)~~*

<i>Land Use District</i>	<i>Maximum Floor Area Ratio</i>	<i>O.S.R. (4)*</i>
<i>Urban Commercial:</i>		
Commercial Retail:		
Low intensity	0.45	0.20
Medium intensity	0.40	0.20
High intensity	0.35	0.20
Offices	0.45	0.20
Commercial Recreation	0.15	0.20
Institutional	0.40	0.20
Outdoor Recreational	0.15	0.20
Public Buildings	0.35	0.20
<i>Urban Residential:</i>		
Institutional	0.30	0.20
Public Buildings and Uses	0.30	0.20
<i>Urban Residential Mobile Home:</i>		
Commercial Retail:		
Low intensity	(3) <u>(1)</u>	0.20
Medium intensity	(3) <u>(1)</u>	0.20
Offices	(3) <u>(1)</u>	0.20
<i>Sub Urban Commercial:</i>		
Commercial Retail:		
Low intensity	0.35	0. <u>02</u>
Medium intensity	0.25	0. <u>02</u>
High intensity	0.15	0. <u>02</u>
Offices	0.40	0. <u>02</u>
Commercial Recreational	0.10	0. <u>02</u>
Institutional	0.30	0. <u>02</u>
Outdoor Recreational	0.10	0. <u>02</u>
Public Buildings and Uses	0.30	0. <u>02</u>
Light Industry	0.30	0. <u>02</u>
<i>Sub Urban Residential:</i>		
Commercial Retail:		
Low intensity	(3) <u>(1)</u>	0.5
Medium intensity	(3) <u>(1)</u>	0.5
Offices	(3) <u>(1)</u>	0.5
Public Buildings and Uses	0.25	0.5

Institutional	0.25	0.5
<i>Sparsely Settled:</i>		
Public Buildings and Uses	0.20	(2) <u>0.2</u>
<i>Native Area:</i>		
Public Buildings and Uses	0.20	(4) <u>0.2</u>
<i>Mainland Native Area:</i>		
Educational/Research Centers	0.30	(4) <u>0.2</u>
<i>Improved Subdivision:</i>		
Commercial Retail:		
Low intensity	0.25 (3) <u>(1)</u>	(2) <u>0.2</u>
Medium intensity	0.20 (3) <u>(1)</u>	(2) <u>0.2</u>
Offices	0.25 (3) <u>(1)</u>	(2) <u>0.2</u>
<i>Destination Resort:</i>		
Commercial Retail	(3) <u>(1)</u>	0.2
Institutional	0.30	— <u>0.2</u>
<i>Recreational Vehicle:</i>		
Commercial Retail	(3) <u>(1)</u>	(2) <u>0.2</u>
<i>Commercial Fishing Area:</i>		
Commercial Fishing	0.40	0.2
Light Industry	0.40	0.2
Commercial Retail:		
Low intensity	0.40	0.2
Medium intensity	0.40	0.2
<i>Commercial Fishing Village:</i>		
Commercial Fishing	0.40	0.2
<i>Commercial Fishing Special Districts (All):</i>		
Commercial Retail:		
Low intensity	0.35	0.2
Medium intensity	0.25	0.2
Commercial Fishing	0.40	0.2
Light Industry	0.30	0.2
<i>Mixed Use:</i>		
Commercial Retail:		
Low intensity	0.35	0.2
Medium intensity	0.25	0.2
High intensity	0.15	0.2

Offices	0.40	0.2
Commercial Recreational	0.10	0.2
Institutional	0.30	0.2
Outdoor Recreational	0.10	0.2
Public Buildings and Uses	0.30	0.2
Commercial Fishing	0.40	0.2
Light Industry	0.30	0.2
<i>Industrial:</i>		
Light Industry	0.40	0.0 <u>0.2</u>
Heavy Industry	0.25	0.0 <u>0.2</u>
Public Buildings and Uses	0.40	0.0 <u>0.2</u>
Restaurants	0.30	0.0 <u>0.2</u>
Offices	0.40	0.0 <u>0.2</u>
Commercial Fishing	0.40	0.0 <u>0.2</u>
<i>Maritime Industrial:</i>		
Commercial Retail:		
Low intensity	0.30	0.0 <u>0.2</u>
Medium intensity	0.30	0.0 <u>0.2</u>
High intensity	0.40	0.0 <u>0.2</u>
Offices	0.50	0.0 <u>0.2</u>
Public Buildings and Uses	0.60	0.0 <u>0.2</u>
Commercial Fishing	0.45	0.0 <u>0.2</u>
Light Industry	0.35	0.0 <u>0.2</u>
Heavy Industry		
<i>Military Facilities:</i>		
Military Uses	0.50	0.2
Commercial Retail:		
Low intensity	0.30	0.2
Medium intensity	0.30	0.2
Offices	0.40	0.2
Public Buildings and Uses	0.30	0.2
<i>Airport:</i>		
Airport Uses	0.10	(2) <u>0.2</u>
<i>Parks and Refuge:</i>		
Public Buildings and Uses	0.20	0.9

(1) *See additional open space ratio in this article: in accordance with Section 9.5-343, the most restrictive of these ratios applies.

(2) ~~NG = None Given.~~

(3) (1) Where commercial uses are allowed as permitted uses, and no FAR is given, the maximum per lot stated in this division, "Permitted Uses" shall prevail.

(4) ~~See open Space ratios in table 9.5-262 for Native."~~

(Ord. No. 33-2986, § 9-309; Ord. No. 40-1987, § 77; Ord. No. 19-1989 § 1 (PD109))

Section 3. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. The ordinance is hereby transmitted to the Florida Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Section 6. This ordinance shall be filed in the Office of the Secretary of State of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance with Chapter 380, Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, A.D., 2005.

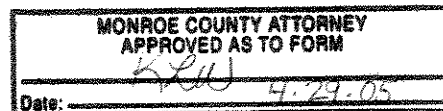
Mayor Dixie M. Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner Murray Nelson	_____
Commissioner George Neugent	_____
Commissioner David P. Rice	_____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Mayor Dixie M. Spehar

(SEAL)
ATTEST: DANNY KOHLAGE, CLERK

DEPUTY CLERK



BOCC STAFF REPORT

MEMORANDUM

TO: The Board of County Commissioners

FROM: K. Marlene Conaway

DATE: April 28, 2005

MEETING DATE: May 18, 2005

RE: REVISIONS TO MONROE COUNTY CODE, SECTION 9.5-269, "MAXIMUM NONRESIDENTIAL LAND USE INTENSITIES AND DISTRICT OPEN SPACE".

I BACKGROUND

The Monroe County Year 2010 Comprehensive Plan adopted in 1996 designates land use densities and intensities as delineated in Policy 101.4.20. Policy 101.4.20 requires one or more Open Space Ratios be assigned to each zoning category in the Monroe County Land Development Regulations (LDR's). The LDR's were codified prior to the Year 2010 Comprehensive Plan and therefore certain inconsistencies exist between the two documents. Section 9.5-269 of the LDR's, entitled "Maximum nonresidential land use intensities and district open space" contains some inconsistencies with regard to the open space requirements required by the Comprehensive Plan.

II ANALYSIS

Monroe County is designated as an "Area of Critical State Concern" and as such is governed by Chapters 9J-5 and 9J-12 of the Florida Administrative Code (F.A.C.) and Chapter 163 of the Florida Statutes. The Year 2010 Comprehensive Plan has been deemed to be consistent with 9J-5, 9J-12, and 163. Therefore, any Land Development Regulations that are inconsistent with the Comprehensive Plan are inconsistent with the aforementioned chapters of the F.A.C. and the Florida Statutes. Pursuant to 9J-5.006(3)(c)7 the Comprehensive Plan shall establish standards for densities and intensities of use for each future land use category. This amendment to Section 9.5-269 would remove any current inconsistencies with regard to the Comprehensive Plan. By removing these inconsistencies the Planning Department will further the following Principles for Guiding Development:

- To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation; and
- To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife and their habitats; and
- To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, dune ridges and beaches, wildlife and their habitat; and
- To limit the adverse impacts of development on the quality of water throughout the Florida Keys.

III FINDINGS OF FACT

1. A text amendment to Section 9.5-269 'maximum nonresidential land use intensities and district open space' is needed to make the LDR consistent with the Comprehensive Plan.
2. Staff finds that the proposed changes are consistent with Section 9.5-511(d)(5)b.(v) "recognition of a need for additional detail or comprehensiveness".
3. Staff finds the proposed changes to be consistent with the goals, objectives, and policies of the Monroe County Year 2010 Comprehensive Plan.
4. Staff finds the proposed changes consistent with F.A.C. Chapters 9J-5 and 9J-12, Florida Statutes, Chapter 163, and The Principles for Guiding Development.

IV RECENT ACTION

Ordinance Number 041-2003 amended the Open Space Requirements of Section 9.5-262 maximum residential density and district open space, by replacing all the zero Open Space Requirements with a minimum of .20 (20%). However, nonresidential open space requirements were not amended at that time.

V PROPOSED TEXT

The following amendment to the Land Development Regulations, Section 9.5-269 as requested by the Monroe County Planning Department is hereby amended to read as follows (additions and deletions shown in underline and strikethrough format):

Strike through text is deleted	<u>Underlined text</u> is new
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See next page.

Section 9.5-269. Maximum nonresidential land use intensities and district open space ~~(H)~~*

<i>Land Use District</i>	<i>Maximum Floor Area Ratio</i>	<i>O.S.R. (H)*</i>
<i>Urban Commercial:</i>		
Commercial Retail:		
Low intensity	0.45	0.20
Medium intensity	0.40	0.20
High intensity	0.35	0.20
Offices	0.45	0.20
Commercial Recreation	0.15	0.20
Institutional	0.40	0.20
Outdoor Recreational	0.15	0.20
Public Buildings	0.35	0.20
<i>Urban Residential:</i>		
Institutional	0.30	0.20
Public Buildings and Uses	0.30	0.20

Urban Residential Mobile Home:

Commercial Retail:		
Low intensity	(3) <u>(1)</u>	0.20
Medium intensity	(3) <u>(1)</u>	0.20
Offices	(3) <u>(1)</u>	0.20

Sub Urban Commercial:

Commercial Retail:		
Low intensity	0.35	0.02
Medium intensity	0.25	0.02
High intensity	0.15	0.02
Offices	0.40	0.02
Commercial Recreational	0.10	0.02
Institutional	0.30	0.02
Outdoor Recreational	0.10	0.02
Public Buildings and Uses	0.30	0.02
Light Industry	0.30	0.02

Sub Urban Residential:

Commercial Retail:		
Low intensity	(3) <u>(1)</u>	0.5
Medium intensity	(3) <u>(1)</u>	0.5
Offices	(3) <u>(1)</u>	0.5
Public Buildings and Uses	0.25	0.5
Institutional	0.25	0.5

Sparsely Settled:

Public Buildings and Uses	0.20	(2) <u>0.2</u>
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Native Area:

Public Buildings and Uses	0.20	(4) <u>0.2</u>
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Mainland Native Area:

Educational/Research Centers	0.30	(4) <u>0.2</u>
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Improved Subdivision:

Commercial Retail:		
Low intensity	0.25 (3) <u>(1)</u>	(2) <u>0.2</u>
Medium intensity	0.20 (3) <u>(1)</u>	(2) <u>0.2</u>
Offices	0.25 (3) <u>(1)</u>	(2) <u>0.2</u>

Destination Resort:

Commercial Retail	(3) <u>(1)</u>	0.2
Institutional	0.30	— <u>0.2</u>

Recreational Vehicle:

Commercial Retail	(3) <u>(1)</u>	(2) <u>0.2</u>
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Commercial Fishing Area:

Commercial Fishing	0.40	0.2
Light Industry	0.40	0.2
Commercial Retail:		
Low intensity	0.40	0.2
Medium intensity	0.40	0.2
<i>Commercial Fishing Village:</i>		
Commercial Fishing	0.40	0.2
<i>Commercial Fishing Special Districts (All):</i>		
Commercial Retail:		
Low intensity	0.35	0.2
Medium intensity	0.25	0.2
Commercial Fishing	0.40	0.2
Light Industry	0.30	0.2
<i>Mixed Use:</i>		
Commercial Retail:		
Low intensity	0.35	0.2
Medium intensity	0.25	0.2
High intensity	0.15	0.2
Offices	0.40	0.2
Commercial Recreational	0.10	0.2
Institutional	0.30	0.2
Outdoor Recreational	0.10	0.2
Public Buildings and Uses	0.30	0.2
Commercial Fishing	0.40	0.2
Light Industry	0.30	0.2
<i>Industrial:</i>		
Light Industry	0.40	0.0 <u>0.2</u>
Heavy Industry	0.25	0.0 <u>0.2</u>
Public Buildings and Uses	0.40	0.0 <u>0.2</u>
Restaurants	0.30	0.0 <u>0.2</u>
Offices	0.40	0.0 <u>0.2</u>
Commercial Fishing	0.40	0.0 <u>0.2</u>
<i>Maritime Industrial:</i>		
Commercial Retail:		
Low intensity	0.30	0.0 <u>0.2</u>
Medium intensity	0.30	0.0 <u>0.2</u>
High intensity	0.40	0.0 <u>0.2</u>
Offices	0.50	0.0 <u>0.2</u>
Public Buildings and Uses	0.60	0.0 <u>0.2</u>
Commercial Fishing	0.45	0.0 <u>0.2</u>
Light Industry	0.35	0.0 <u>0.2</u>
Heavy Industry		
<i>Military Facilities:</i>		
Military Uses	0.50	0.2

Commercial Retail:		
Low intensity	0.30	0.2
Medium intensity	0.30	0.2
Offices	0.40	0.2
Public Buildings and Uses	0.30	0.2

Airport:

Airport Uses	0.10	(2) <u>0.2</u>
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Parks and Refuge:

Public Buildings and Uses	0.20	0.9
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(1) *See additional open space ratio in this article: in accordance with Section 9.5-343, the most restrictive of these ratios applies.

~~(2) NG = None Given.~~

(3) (1) Where commercial uses are allowed as permitted uses, and no FAR is given, the maximum per lot stated in this division, "Permitted Uses" shall prevail.

~~(4) See open Space ratios in table 9.5-262 for Native."~~

(Ord. No. 33-2986, § 9-309; Ord. No. 40-1987, § 77; Ord. No. 19-1989 § 1 (PD109))

VI RECOMMENDED ACTION:

Based on the Findings of Fact and Conclusions of Law and the recommendations of Planning Staff and the Development Review Committee, the Planning Commission recommends **APPROVAL** to the Monroe County Board of County Commissioners for the proposed amendment to Section 9.5-269 of the Land Development Regulations.

DRAFT PLANNING COMMISSION RESOLUTION # P -05

DRAFT PLANNING COMMISSION RESOLUTION NO. P -05

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING **APPROVAL** TO THE BOARD OF COUNTY COMMISSIONERS OF THE REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE LAND DEVELOPMENT REGULATIONS, SECTION 9.5-269 MAXIMUM NONRESIDENTIAL LAND USE INTENSITIES AND DISTRICT OPEN SPACE.

WHEREAS, the Monroe County Planning and Environmental Resources Department recognizes the need to remove existing inconsistencies between the Monroe County Year 2010 Comprehensive Plan and the Land Development Regulations; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan adopted in 1996 designates land use densities and district open spaces in Policy 101.4.21; and ; and

WHEREAS, the Land Development Regulations were codified prior to the adoption of the 2010 Comprehensive Plan and contain certain inconsistencies with regard to nonresidential district open space designations ; and

WHEREAS, the amendment to Section 9.5-269 would remove the existing inconsistencies between the Land Development Regulations and the Year 2010 Comprehensive Plan; and

WHEREAS, Monroe County is designated as an “Area of Critical State Concern” and as such is governed by Chapters 9J-5 and 9J-12 of the Florida Administrative Code (F.A.C.) and Chapter 163 of the Florida Statutes; and

WHEREAS, the Planning Commission adopted the following Findings of Fact:

1. A text amendment to Section 9.5-269 ‘maximum nonresidential land use intensities and district open space’ is needed to make the LDR consistent with the Comprehensive Plan.
2. Staff finds that the proposed changes are consistent with Section 9.5-511(d)(5)b.(v) “recognition of a need for additional detail or comprehensiveness”.
3. Staff finds the proposed changes to be consistent with the goals, objectives, and policies of the Monroe County Year 2010 Comprehensive Plan.
4. Staff finds the proposed changes consistent with F.A.C. Chapters 9J-5 and 9J-12, Florida Statutes, Chapter 163, and The Principles for Guiding Development.

WHEREAS, the Board of County Commissioners passed and adopted Ordinance Number 041-2003 amending Section 9.5-262 maximum residential density and district open space, by replacing all the zero Open Space Requirements with a minimum of .20 (20%); and

WHEREAS, the text change was reviewed and recommended for approval to the Planning Commission at the Development Review Committee public meeting held on March 24, 2005;

WHEREAS, the text amendment was reviewed and approved by the Monroe County Planning Commission, during a regular public meeting held on April 27, 2005; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the following amendment to Section 9.5-269 of the Land Development Regulations and is hereby amended to read as follows (additions and deletions shown in underline and strikethrough format):

Strike through text is deleted	<u>Underlined text</u> is new
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Section 9.5-269. Maximum nonresidential land use intensities and district open space ~~(1)~~*

<i>Land Use District</i>	<i>Maximum Floor Area Ratio</i>	<i>O.S.R. (1)*</i>
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Urban Commercial:

Commercial Retail:

Low intensity	0.45	0.20
Medium intensity	0.40	0.20
High intensity	0.35	0.20
Offices	0.45	0.20
Commercial Recreation	0.15	0.20
Institutional	0.40	0.20
Outdoor Recreational	0.15	0.20
Public Buildings	0.35	0.20

Urban Residential:

Institutional	0.30	0.20
Public Buildings and Uses	0.30	0.20

Urban Residential Mobile Home:

Commercial Retail:

Low intensity	(3) <u>(1)</u>	0.20
Medium intensity	(3) <u>(1)</u>	0.20
Offices	(3) <u>(1)</u>	0.20

Sub Urban Commercial:

Commercial Retail:

Low intensity	0.35	0.0 <u>2</u>
Medium intensity	0.25	0.0 <u>2</u>
High intensity	0.15	0.0 <u>2</u>
Offices	0.40	0.0 <u>2</u>
Commercial Recreational	0.10	0.0 <u>2</u>
Institutional	0.30	0.0 <u>2</u>
Outdoor Recreational	0.10	0.0 <u>2</u>
Public Buildings and Uses	0.30	0.0 <u>2</u>
Light Industry	0.30	0.0 <u>2</u>

Sub Urban Residential:

Commercial Retail:		
Low intensity	(3) <u>(1)</u>	0.5
Medium intensity	(3) <u>(1)</u>	0.5
Offices	(3) <u>(1)</u>	0.5
Public Buildings and Uses	0.25	0.5
Institutional	0.25	0.5
<i>Sparsely Settled:</i>		
Public Buildings and Uses	0.20	(2) <u>0.2</u>
<i>Native Area:</i>		
Public Buildings and Uses	0.20	(4) <u>0.2</u>
<i>Mainland Native Area:</i>		
Educational/Research Centers	0.30	(4) <u>0.2</u>
<i>Improved Subdivision:</i>		
Commercial Retail:		
Low intensity	0.25 (3) <u>(1)</u>	(2) <u>0.2</u>
Medium intensity	0.20 (3) <u>(1)</u>	(2) <u>0.2</u>
Offices	0.25 (3) <u>(1)</u>	(2) <u>0.2</u>
<i>Destination Resort:</i>		
Commercial Retail	(3) <u>(1)</u>	0.2
Institutional	0.30	— <u>0.2</u>
<i>Recreational Vehicle:</i>		
Commercial Retail	(3) <u>(1)</u>	(2) <u>0.2</u>
<i>Commercial Fishing Area:</i>		
Commercial Fishing	0.40	0.2
Light Industry	0.40	0.2
Commercial Retail:		
Low intensity	0.40	0.2
Medium intensity	0.40	0.2
<i>Commercial Fishing Village:</i>		
Commercial Fishing	0.40	0.2
<i>Commercial Fishing Special Districts (All):</i>		
Commercial Retail:		
Low intensity	0.35	0.2
Medium intensity	0.25	0.2
Commercial Fishing	0.40	0.2
Light Industry	0.30	0.2
<i>Mixed Use:</i>		
Commercial Retail:		
Low intensity	0.35	0.2

Medium intensity	0.25	0.2
High intensity	0.15	0.2
Offices	0.40	0.2
Commercial Recreational	0.10	0.2
Institutional	0.30	0.2
Outdoor Recreational	0.10	0.2
Public Buildings and Uses	0.30	0.2
Commercial Fishing	0.40	0.2
Light Industry	0.30	0.2

Industrial:

Light Industry	0.40	0.0 <u>0.2</u>
Heavy Industry	0.25	0.0 <u>0.2</u>
Public Buildings and Uses	0.40	0.0 <u>0.2</u>
Restaurants	0.30	0.0 <u>0.2</u>
Offices	0.40	0.0 <u>0.2</u>
Commercial Fishing	0.40	0.0 <u>0.2</u>

Maritime Industrial:

Commercial Retail:		
Low intensity	0.30	0.0 <u>0.2</u>
Medium intensity	0.30	0.0 <u>0.2</u>
High intensity	0.40	0.0 <u>0.2</u>
Offices	0.50	0.0 <u>0.2</u>
Public Buildings and Uses	0.60	0.0 <u>0.2</u>
Commercial Fishing	0.45	0.0 <u>0.2</u>
Light Industry	0.35	0.0 <u>0.2</u>
Heavy Industry		

Military Facilities:

Military Uses	0.50	0.2
Commercial Retail:		
Low intensity	0.30	0.2
Medium intensity	0.30	0.2
Offices	0.40	0.2
Public Buildings and Uses	0.30	0.2

Airport:

Airport Uses	0.10	(2) <u>0.2</u>
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Parks and Refuge:

Public Buildings and Uses	0.20	0.9
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(1) *See additional open space ratio in this article: in accordance with Section 9.5-343, the most restrictive of these ratios applies.

(2) ~~NG = None Given.~~

(3) (1) Where commercial uses are allowed as permitted uses, and no FAR is given, the maximum per lot stated in this division, "Permitted Uses" shall prevail.

(4) ~~See open Space ratios in table 9.5-262 for Native."~~

(Ord. No. 33-2986, § 9-309; Ord. No. 40-1987, § 77; Ord. No. 19-1989 § 1 (PD109))

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida at a regular meeting held on the 27th day of April, 2005.

Lynn C. Mapes, Chair	<u>YES</u>
Denise Werling, Vice Chair	<u>YES</u>
Julio Margalli, Commissioner	<u>YES</u>
James D. Cameron, Commissioner	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>

PLANNING COMMISSION OF MONROE
COUNTY, FLORIDA

By _____
Lynne C. Mapes, Chair

Signed this _____ day of _____, 2005

DEVELOPMENT REVIEW COMMITTEE RESOLUTION #D -05

DEVELOPMENT REVIEW COMMITTEE RESOLUTION NO. -05

A RESOLUTION BY THE MONROE COUNTY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING **APPROVAL** TO THE PLANNING COMMISSION OF THE REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE LAND DEVELOPMENT REGULATIONS, SECTION 9.5-269 MAXIMUM NONRESIDENTIAL LAND USE INTENSITIES AND DISTRICT OPEN SPACE.

WHEREAS, the Monroe County Planning and Environmental Resources Department recognizes the need to remove existing inconsistencies between the Monroe County Year 2010 Comprehensive Plan and the Land Development Regulations; and

WHEREAS, the Monroe County Year 2010 Comprehensive Plan adopted in 1996 designates land use densities and district open spaces in Policy 101.4.21; and ; and

WHEREAS, the Land Development Regulations were codified prior to the adoption of the 2010 Comprehensive Plan and contain certain inconsistencies with regard to nonresidential district open space designations ; and

WHEREAS, the amendment to Section 9.5-269 would remove the existing inconsistencies between the Land Development Regulations and the Year 2010 Comprehensive Plan; and

WHEREAS, Monroe County is designated as an “Area of Critical State Concern” and as such is governed by Chapters 9J-5 and 9J-12 of the Florida Administrative Code (F.A.C.) and Chapter 163 of the Florida Statutes; and

WHEREAS, the Development Review Committee adopted the following Findings of Fact:

1. A text amendment to Section 9.5-269 ‘maximum nonresidential land use intensities and district open space’ is needed to make the LDR consistent with the Comprehensive Plan.
2. Staff finds that the proposed changes are consistent with Section 9.5-511(d)(5)b.(v) “recognition of a need for additional detail or comprehensiveness”.
3. Staff finds the proposed changes to be consistent with the goals, objectives, and policies of the Monroe County Year 2010 Comprehensive Plan.
4. Staff finds the proposed changes consistent with F.A.C. Chapters 9J-5 and 9J-12, Florida Statutes, Chapter 163, and The Principles for Guiding Development.

WHEREAS, the Board of County Commissioners passed and adopted Ordinance Number 041-2003 amending Section 9.5-262 maximum residential density and district open space, by replacing all the zero Open Space Requirements with a minimum of .20 (20%); and

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA, that the preceding findings support its decision to recommend **APPROVAL** to the Monroe County Planning Commission of the proposed text amendment to Section 9.5-269 of the Land Development Regulations to read as follows (additions and deletions shown in underline and strikethrough format):

Strike-through text is deleted	<u>Underlined text</u> is new
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Section 9.5-269. Maximum nonresidential land use intensities and district open space ~~(4)~~*

<i>Land Use District</i>	<i>Maximum Floor Area Ratio</i>	<i>O.S.R. (4)*</i>
<i>Urban Commercial:</i>		
Commercial Retail:		
Low intensity	0.45	0.20
Medium intensity	0.40	0.20
High intensity	0.35	0.20
Offices	0.45	0.20
Commercial Recreation	0.15	0.20
Institutional	0.40	0.20
Outdoor Recreational	0.15	0.20
Public Buildings	0.35	0.20
<i>Urban Residential:</i>		
Institutional	0.30	0.20
Public Buildings and Uses	0.30	0.20
<i>Urban Residential Mobile Home:</i>		
Commercial Retail:		
Low intensity	(3) <u>(1)</u>	0.20
Medium intensity	(3) <u>(1)</u>	0.20
Offices	(3) <u>(1)</u>	0.20
<i>Sub Urban Commercial:</i>		
Commercial Retail:		
Low intensity	0.35	0.0 <u>2</u>
Medium intensity	0.25	0.0 <u>2</u>
High intensity	0.15	0.0 <u>2</u>
Offices	0.40	0.0 <u>2</u>
Commercial Recreational	0.10	0.0 <u>2</u>
Institutional	0.30	0.0 <u>2</u>
Outdoor Recreational	0.10	0.0 <u>2</u>
Public Buildings and Uses	0.30	0.0 <u>2</u>
Light Industry	0.30	0.0 <u>2</u>
<i>Sub Urban Residential:</i>		
Commercial Retail:		
Low intensity	(3) <u>(1)</u>	0.5
Medium intensity	(3) <u>(1)</u>	0.5
Offices	(3) <u>(1)</u>	0.5

Public Buildings and Uses	0.25	0.5
Institutional	0.25	0.5
<i>Sparsely Settled:</i>		
Public Buildings and Uses	0.20	(2) <u>0.2</u>
<i>Native Area:</i>		
Public Buildings and Uses	0.20	(4) <u>0.2</u>
<i>Mainland Native Area:</i>		
Educational/Research Centers	0.30	(4) <u>0.2</u>
<i>Improved Subdivision:</i>		
Commercial Retail:		
Low intensity	0.25 (3) <u>(1)</u>	(2) <u>0.2</u>
Medium intensity	0.20 (3) <u>(1)</u>	(2) <u>0.2</u>
Offices	0.25 (3) <u>(1)</u>	(2) <u>0.2</u>
<i>Destination Resort:</i>		
Commercial Retail	(3) <u>(1)</u>	0.2
Institutional	0.30	— <u>0.2</u>
<i>Recreational Vehicle:</i>		
Commercial Retail	(3) <u>(1)</u>	(2) <u>0.2</u>
<i>Commercial Fishing Area:</i>		
Commercial Fishing	0.40	0.2
Light Industry	0.40	0.2
Commercial Retail:		
Low intensity	0.40	0.2
Medium intensity	0.40	0.2
<i>Commercial Fishing Village:</i>		
Commercial Fishing	0.40	0.2
<i>Commercial Fishing Special Districts (All):</i>		
Commercial Retail:		
Low intensity	0.35	0.2
Medium intensity	0.25	0.2
Commercial Fishing	0.40	0.2
Light Industry	0.30	0.2
<i>Mixed Use:</i>		
Commercial Retail:		
Low intensity	0.35	0.2
Medium intensity	0.25	0.2
High intensity	0.15	0.2
Offices	0.40	0.2
Commercial Recreational	0.10	0.2

Institutional	0.30	0.2
Outdoor Recreational	0.10	0.2
Public Buildings and Uses	0.30	0.2
Commercial Fishing	0.40	0.2
Light Industry	0.30	0.2

Industrial:

Light Industry	0.40	0.0 <u>0.2</u>
Heavy Industry	0.25	0.0 <u>0.2</u>
Public Buildings and Uses	0.40	0.0 <u>0.2</u>
Restaurants	0.30	0.0 <u>0.2</u>
Offices	0.40	0.0 <u>0.2</u>
Commercial Fishing	0.40	0.0 <u>0.2</u>

Maritime Industrial:

Commercial Retail:		
Low intensity	0.30	0.0 <u>0.2</u>
Medium intensity	0.30	0.0 <u>0.2</u>
High intensity	0.40	0.0 <u>0.2</u>
Offices	0.50	0.0 <u>0.2</u>
Public Buildings and Uses	0.60	0.0 <u>0.2</u>
Commercial Fishing	0.45	0.0 <u>0.2</u>
Light Industry	0.35	0.0 <u>0.2</u>
Heavy Industry		

Military Facilities:

Military Uses	0.50	0.2
Commercial Retail:		
Low intensity	0.30	0.2
Medium intensity	0.30	0.2
Offices	0.40	0.2
Public Buildings and Uses	0.30	0.2

Airport:

Airport Uses	0.10	(2) <u>0.2</u>
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Parks and Refuge:

Public Buildings and Uses	0.20	0.9
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~~(1)~~ *See additional open space ratio in this article: in accordance with Section 9.5-343, the most restrictive of these ratios applies.

~~(2)~~ ~~NG = None Given.~~

~~(3)~~ (1) Where commercial uses are allowed as permitted uses, and no FAR is given, the maximum per lot stated in this division, "Permitted Uses" shall prevail.

~~(4)~~ ~~See open Space ratios in table 9.5-262 for Native."~~

(Ord. No. 33-2986, § 9-309; Ord. No. 40-1987, § 77; Ord. No. 19-1989 § 1 (PD109))

PASSED AND ADOPTED by the Development Review Committee of Monroe County at a regular meeting held on the 5th day of April, 2005.

Aref Joulani, Senior Administrator of Development Review	<u>YES</u>
Heather Beckmann, Planner	<u>YES</u>
Ralph Goulidy, Sr. Administrator of Environmental Resources	<u>YES</u>
David Dacquisto, Director of Island Planning	<u>YES</u>
Department of Health (by FAX)	<u>YES</u>
Department of Public Works (by FAX)	<u>YES</u>
Department of Engineering (by FAX)	<u>YES</u>

DEVELOPMENT REVIEW COMMITTEE OF MONROE
COUNTY, FLORIDA

By _____
Aref Joulani, DRC Chair

Signed this _____ day of _____, 2005